

June 8, 2015

*via electronic filing*

Marlene H. Dortch  
Secretary, Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW, Room TW-A325  
Washington, DC 20554

**Re: Closed Caption Quality • CG Docket No. 05-231 • PRM11CG**

Dear Ms. Dortch,

Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), the National Association of the Deaf (NAD), the Hearing Loss Association of America (HLAA), the Association of Late-Deafened Adults (ALDA), and the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN) (collectively, “Consumer Groups”) and the Technology Access Program at Gallaudet University (TAP) jointly submit this *ex parte* filing regarding the above-referenced proceeding with the Media Access Group at WGBH, the National Court Reporters Association (NCRA), the National Captioning Institute (NCI), VITAC, and CaptionMax, Inc. (collectively, “Captioners”).

While Consumer Groups and Captioners have previously disagreed on the narrow issue of appropriate methodology and metrics for assessing the accuracy of captions, we join here in expressing our shared goal of working together and with the Commission to improve the quality of closed captions.<sup>1</sup> The Commission’s closed caption quality rules, adopted in the landmark 2014 *Caption Quality Order*, were a critical step in fulfilling the promise of equal access to video programming for all Americans.<sup>2</sup> While the past 15 months have yielded tremendous strides in the improvement of caption quality and the coming months will no doubt yield even more, we identify below three areas where we believe Commission intervention may be helpful to overcome particular challenges.

First, while the *Order* has led to some increased adoption of offline captioning for prerecorded programming, both Consumer Groups and Captioners have continued to encounter the use of and contracting for real-time captions for prerecorded programming where offline captioning is feasible and should be used. While the Commission’s best practices presume that prerecorded programming will be captioned offline, it is clear that some programmers are not adhering to these practices.<sup>3</sup> We urge the Commission to

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<sup>1</sup> See, e.g., *Ex Parte of TDI, et al.*, CG Docket No. 05-231 (Mar. 27, 2015), <http://apps.fcc.gov/ecfs/comment/view?id=60001027619>.

<sup>2</sup> See generally *Closed Captioning of Video Programming*, Report and Order, CG Docket No. 05-231, 29 FCC Rcd. 2221 (Feb. 24, 2014).

<sup>3</sup> See 47 C.F.R. § 79.1(k)(1)(ii)(C).

examine and recalibrate these practices to ensure that high-quality offline captions are used with all prerecorded programming, with extremely rare exceptions at most.

Second, Captioners still struggle to obtain from some programmers the necessary preparation material to yield high-quality live captioning for programs where offline programming is not feasible. While the Commission’s best practices require that programmers, to the extent available, “provide captioning vendors with advance access to preparation materials . . . as well as to any dress rehearsal or rundown that is available or relevant,” it is again clear that some programmers are not adhering to these practices.<sup>4</sup> The unavailability of preparation material can substantially impair the ability to create high-quality captions, and we urge the Commission to examine measures that might result in more consistent delivery of more comprehensive preparation material.

Finally, Captioners still encounter challenges in the deployment of the necessary infrastructure both to receive high-quality program audio signals from which to generate live captions and to timely transmit caption data back to programmers. While the Commission’s best practices require that programmers make commercially reasonable efforts to provide high-quality signals to promote accuracy and minimize latency, many audio signals are still delivered over unreliable and low-quality connections that can result in significant captioning gaps and inaccuracies.<sup>5</sup> Similarly, many programmers still rely on traditional modems and phone lines to receive caption data—infrastructure which is increasingly susceptible to interruptions during the transition to digital systems and the corresponding use of digital converters, compression, and other technologies that can garble or otherwise disrupt the transmission of caption data. While there may not exist a “silver bullet” solution to this problem, we urge the Commission to develop and implement initiatives to facilitate necessary improvements to captioning infrastructure, particularly given the substantial transitions in the underlying telecommunications networks that carry audio signals and caption data.

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We stand ready to work together and with the Commission to address these critical issues. Please don’t hesitate to contact me if you have any questions regarding this filing.

Respectfully submitted,

/s/

Blake E. Reid

*Counsel to TDI*

blake.reid@colorado.edu

303.492.0548

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<sup>4</sup> See 47 C.F.R. § 79.1(k)(ii)(A).

<sup>5</sup> See 47 C.F.R. § 79.1(k)(ii)(B).

**Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)**

*Contact:* Claude Stout, Executive Director • [cstout@TDIforAccess.org](mailto:cstout@TDIforAccess.org)

8630 Fenton Street, Suite 121, Silver Spring, MD 20910

[www.TDIforAccess.org](http://www.TDIforAccess.org)

**National Association of the Deaf (NAD)**

*Contact:* Howard Rosenblum, Chief Executive Officer • [howard.rosenblum@nad.org](mailto:howard.rosenblum@nad.org)

8630 Fenton Street, Suite 820, Silver Spring, MD 20910

301.587.1788

[www.nad.org](http://www.nad.org)

**Hearing Loss Association of America (HLAA)**

Anna Gilmore Hall, Executive Director • [AGilmoreHall@Hearingloss.org](mailto:AGilmoreHall@Hearingloss.org)

*Contact:* Lise Hamlin, Director of Public Policy • [LHamlin@Hearingloss.org](mailto:LHamlin@Hearingloss.org)

7910 Woodmont Avenue, Suite 1200, Bethesda, MD 20814

301.657.2248

[www.hearingloss.org](http://www.hearingloss.org)

**Association of Late-Deafened Adults (ALDA)**

*Contact:* Steve Larew, President • [slarew@aol.com](mailto:slarew@aol.com)

8038 MacIntosh Lane, Suite 2, Rockford, IL 61107-5336

904-429-1088

[www.alda.org](http://www.alda.org)

**Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN)**

Cheryl Heppner, Vice Chair • [CHheppner@nvrc.org](mailto:CHheppner@nvrc.org)

3951 Pender Drive, Suite 130, Fairfax, VA 22030

**Technology Access Program at Gallaudet University (TAP)**

*Contact:* Christian Vogler, Ph.D., Director • [christian.vogler@gallaudet.edu](mailto:christian.vogler@gallaudet.edu)

Department of Communications Studies

SLCC 1116, Gallaudet University

800 Florida Avenue NE, Washington, DC 20002

202.250.2795

[tap.gallaudet.edu](http://tap.gallaudet.edu)

**Media Access Group at WGBH**

*Contact:* Alison Godburn, Senior Director • [alison\\_godburn@wgbh.org](mailto:alison_godburn@wgbh.org)

1 Guest St, Boston, MA 02135

617.300.3634

[main.wgbh.org/wgbh/pages/mag/](http://main.wgbh.org/wgbh/pages/mag/)

**National Court Reporters Association (NCRA)**

*Contact:* Adam Finkel, Director, Government Relations • afinkel@ncra.org  
8224 Old Courthouse Road, Vienna, Virginia 22182-3808  
703-556-6272 ext. 159  
www.ncra.org

**National Captioning Institute (NCI)**

*Contact:* Jill Toschi, EVP & COO • jtoschi@ncicap.org  
3725 Concorde Parkway, Suite 100, Chantilly, VA 20151  
703.917.7621  
www.ncicap.org

**VITAC**

*Contact:* Heather York, VP Marketing & Government Affairs • Heather.York@vitac.com  
101 Hillpointe Drive, Canonsburg, PA 15317  
301-881-7534  
www.vitac.com

**CaptionMax, Inc.**

*Contact:* Gerald Freda, Chief Operating Officer • Gerald@captionmax.com  
2438 27th Avenue South, Minneapolis, MN 55406  
612.656.1025  
www.vitac.com

CC:

Karen Peltz Strauss, CGB  
Greg Hlibok, DRO  
Eliot Greenwald, DRO  
Suzy Rosen Singleton, DRO  
Caitlin Vogus, DRO  
Diana Sokolow, MB